

TEXT OF FINAL REGULATIONS

Proposed deletions are indicated by ~~strikeout~~.
Proposed additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 2. PESTICIDES
SUBCHAPTER 4. RESTRICTED MATERIALS
ARTICLE 4. USE REQUIREMENTS

Amend section 6462 to read:

6462. Propanil.

(a) ~~Except as provided in subsection (b), no herbicide containing~~ The provisions of this section apply to propanil shall be used in Butte, Colusa, Glenn, Placer, and Yuba counties; the portion of Sutter County situated north of Sankey Road; and the portion of Yolo County situated north of State Highway 16.

(b) ~~Notwithstanding the provisions of (a), the director may designate propanil use or study areas, and propanil use within such areas may be allowed, with the approval of the director as follows:~~

(1) ~~Propanil Aerial Use Area. Aerial application of emulsifiable and non emulsifiable propanil within the designated aerial use areas in Glenn and Colusa Counties may be allowed, with the approval of the director, pursuant to the provisions contained in the department document entitled 1998 Propanil Aerial Use Protocol and Controls (Rev. 12/98) which is hereby incorporated by reference.~~

(2) ~~Ground Application Use Area. Ground applications of non emulsifiable formulations of propanil within designated areas of Butte, Colusa, Glenn, Placer, Yuba Counties; that portion of Sutter County situated north of Sankey Road; and that portion of Yolo County situated north of State Highway 16 may be allowed, with the approval of the director. Prior to the approval of non emulsifiable formulation propanil ground applications, a sampling protocol shall be submitted to and approved by the director. Any use of non emulsifiable formulations of propanil in designated ground application use areas shall be subject to the following:~~

(A) ~~Applications using aircraft are prohibited.~~

(B) ~~Applications using an emulsifiable concentrate formulation are prohibited.~~

(C) ~~Applications made by ground equipment shall be made in accordance with the following requirements:~~

1. ~~Unless expressly authorized by the commissioner, no application shall be made within 1/2 mile of cultivated commercial cotton plantings or other sensitive crops, and two miles of cultivated commercial grape vineyards, pistachios, or prunes.~~

~~2. Each operating nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 500 microns volume median diameter (Dv0.5) with 10 percent of the diameter by volume (Dv0.1) not less than 200 microns.~~

~~3. Unless expressly authorized by the commissioner, no more than 1,500 acres of rice may be treated by ground in each county per day.~~

~~(3) Butte County Study Area. The director may authorize ground applications of propanil for research purposes within the California Cooperative Rice Research Foundation, Incorporated Facility, located in Township 19 North, Range 2 East, Sections 34 and 35. The director may authorize aircraft applications of propanil within a Butte County study area. Prior to the commencement of aircraft applications, a study protocol shall be submitted to and approved by the director. The following conditions apply to the applications:~~

~~(A) Unless expressly authorized by the commissioner, no aerial application in such a study area shall be made within four miles of cultivated commercial cotton plantings, grape vineyards, pistachios, prunes, or other sensitive crops.~~

~~(B) Each operating nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 600 microns volume median diameter (Dv0.5) with 10 percent of the diameter by volume (Dv0.1) not less than 200 microns.~~

~~(C) Monitoring of Designated Areas.~~

~~(1) Air or leaf samples shall be taken to determine if residues of propanil are occurring outside the use or study area. The presence of propanil residue in excess of 4.4 micrograms (combined value from two air filters) on two successive samples of paired samplers collecting on air filters and through which ambient air has been drawn in the total amount of 7,200 to 12,000 cubic feet during a period of 4 to 5 hours (15 cfm — 20 cfm) while propanil applications are being made, or the presence of propanil residue in excess of 0.1 parts per million (ppm) in leaves from two (2) successive samples taken from a sensitive crop, shall require the director to evaluate and determine whether propanil applications shall be modified or terminated in the use or study area. Substantial damage to sensitive crops shall require termination of propanil applications in the use or study area in accordance with the provisions of section 6444.~~

~~Prior to conducting any sampling, a sampling protocol shall be submitted to the director for evaluation for areas designated in (b)(2) and (b)(3). The director may approve any sampling protocol submitted which contains the following:~~

~~(A) A detailed description of the sampling method,~~

~~(B) A description of how the samples will be handled and analyzed, and~~

~~(C) A complete description of the quality control measures used throughout the monitoring.~~

~~(a) No emulsifiable concentrate formulation shall be applied.~~

~~(b) Applications using aircraft shall be made in accordance with the following requirements:~~

~~(1) Aerial applications shall not be made within four miles of cultivated commercial plantings of prunes.~~

~~(2) No more than 720 acres may be treated by aircraft within each county per day.~~

~~(3) Each operating aircraft nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 600 microns volume median diameter (Dv0.5) with not more than ten percent of the diameter by volume (Dv0.1) less than 200 microns.~~

~~(c) Notwithstanding (b)(1), the Butte county agricultural commissioner may allow the California Rice Research Station to make aerial applications within four miles of cultivated commercial plantings of prunes according to a work plan submitted to and approved by the Butte~~

county agricultural commissioner. The work plan shall include: the largest individual site that may be treated per application; total acres that may be treated per day which shall not exceed 45 acres; the minimum distance that must be maintained from cultivated commercial plantings of prunes and the application site; and any additional procedures to protect cultivated commercial plantings of prunes within four miles of the application site.

(d) Applications using ground equipment shall be made in accordance with the following requirements:

(1) Ground applications shall not be made within one mile of cultivated commercial plantings of prunes, except as provided in (A) and (B) below.

(A) The commissioner may allow applications to be made to sites not less than one-half mile from cultivated commercial plantings of prunes if the following requirements are met:

1. Prior to the application, the operator of the property shall provide to the commissioner a recommendation written by a licensed pest control adviser stating there are no other feasible pest management alternatives;

2. Onsite monitoring of wind speed and wind direction shall be conducted by the applicator in a manner approved by the commissioner throughout the entire application. A record of recorded data shall be retained for one year; and

3. A positive airflow away from cultivated commercial plantings of prunes is present throughout the entire application.

(B) The commissioner may allow applications to be made to sites less than one-half mile from cultivated commercial plantings of prunes when the following requirements are met in addition to the requirements of (A):

1. The commissioner shall provide onsite monitoring of all applications.

2. The commissioner shall provide for notice to, and opportunity to comment by, any owner of cultivated commercial plantings of prunes within one-half mile of the application.

(2) Each operating nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 500 microns volume median diameter (Dv0.5) with not more than ten percent of the diameter by volume (Dv0.1) less than 200 microns.

NOTE: Authority cited: Sections 11456, 12781, 14001, 14005, and 14102, Food and Agricultural Code.

Reference: Sections 14006 and 14007, Food and Agricultural Code.